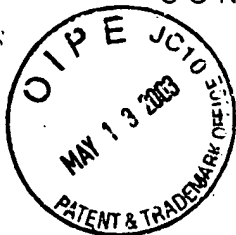


# CHURCH & DWIGHT CO., INC.

CONSUMER PRODUCTS • SPECIALTY PRODUCTS



Docket No.: 00001

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MAY 15 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

**BURKE**

Serial No. 09/903,289

Filed: July 11, 2001

For: **UNIVERSAL ANTIVIRAL COMPOSITIONS**

Date of Deposit: **May 9, 2003**

I hereby certify that the following:

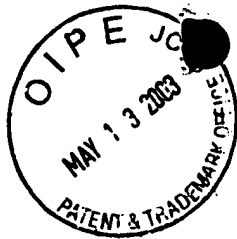
- ☒ [xx] Certificate of Mailing
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are being deposited with the United States Postal Service as First Class Mail under 37 CFR Section 1.8 on the Date of Deposit indicated above in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Christine L. O'Rourke  
Christine L. O'Rourke

CHURCH & DWIGHT CO., INC.  
469 North Harrison Street  
Princeton, New Jersey 08543  
(609) 683-7084

h:\patents\trn38896



US Serial No.: 09/903,289  
Attorney Ref.: 00001

#5  
5-19-03  
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**MAY 15 2003**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

**Burke**

Group Art Unit: 1623

Examiner: **Krishnan**

**TECH CENTER 1600/2900**

SERIAL NO: 09/910,540

FILED: **July 11, 2001**

FOR: **UNIVERSAL ANTIVIRAL COMPOSITIONS**

MAIL STOP NON-FEE AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

This is in response to the Office Action of February 11, 2003.

Claims 1-12 are presently pending. All claims have been rejected under 35 U.S.C.103 as unpatentable over a combination of six (6) references--over Lopes (U. S. 5,942,478) in combination with Larson (U. S. 5,958,461), Stoner (U.S. 4,925,033), Myhling (U.S. 5,527,534), Snyder (U.S. 5,674,513) and Taylor-McCord (U.S. 5,604,200).

No claims have been allowed.

The pending claims are directed to a package containing a condom together with a novel combination of agents which possess antiviral activity,

which are otherwise compatible with the functional requirements of the condom, and which function to enhance the antiviral potential of the active antiviral agent.

Applicant has previously discussed the Lopes, Larson, Stoner, Myhling and Snyder references. Those discussions are incorporated herein by reference and will not be repeated here. Taylor-McCord, which is newly cited is directed to the use of hyaluronic acid in combination with a number of other ingredients, none of which are employed by applicants, to treat wounds. What is notable about the assortment of references cited by the examiner, however, is that only one of these references, Stoner, is concerned with condoms, and that the specific combination now claimed by applicant is nowhere suggested in the cited art. Rather, the Examiner appears to have simply assembled an unrelated collection of references which have in common only a single thread---within the myriad of agents listed in each reference is an agent found in the unique combination of cooperating agents claimed by applicants. Applicants submit that this is on its face an impermissibly constructed combination of references. Accordingly, applicants respectfully request that this rejection be withdrawn, and that pending Claims 1-12 be allowed.

CONCLUSION

Applicants' claims are directed to a novel combination of uniquely cooperating agents, which in combination with a condom, can provide significant antiviral benefits. None of the references cited against the application suggested the novel claimed combination. Accordingly, the rejection should be withdrawn and pending claims 1-12 allowed.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'SBS' followed by a stylized flourish.

Stephen B. Shear  
Reg. Number 28,116  
Attorney For Applicant